Remarks

Claims 1-9 and 30 were rejected under 35 U.S.C. § 103(a) as being obvious over Maloney (people.cornell.edu/page/blm10/blort/Drake.htm).

Looking at amended claims 1 and 30, it can be seen that the hot wort is now recited as "having a temperature of at least about 145°F". This new limitation has a basis at paragraph [0053] of the specification.

Turning now to Maloney, there is described a method for making beer "wherein the wort would be cleared with the aid of oak boughs added to steep for a time and removed before the boil". In the Maloney process, the "oak bough" (branch) is added to the wort prior to boil, and therefore the wort is at best lukewarm as opposed to the temperatures recited in amended claims 1 and 30 wherein the oak chips may be added in the claimed method. Furthermore, the "oak bough" in the Maloney process is being added to facilitate clarification of the wort prior to boiling. In the present invention, the wood chips are being added after boil to adsorb certain flavour active volatiles, not to clarify the wort. In modern brewing, other settling agents can be added to the kettle which are designed to clarify the wort.

Thus, it is respectfully submitted that nothing in Maloney teaches or suggests adding wood chips to hot wort having the temperatures recited in amended claims 1 and 30. Accordingly, it is believed that amended claim 1 (and claims 2-9 that depend thereon) and amended claim 30 are not obvious over Maloney.

The Office Action also makes note of the guidance provided by *In re Levin* wherein it is stated that an applicant must establish "a coaction or cooperative relationship between the selected ingredients which produces a new, unexpected, and

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useful function". In the claimed invention, the wood chips are added to the wort at a temperature that allows the wort to adsorb certain flavour active volatiles from the wood chips. It is believed that the cooperative relationship between the wort at the recited temperatures and the wood chips provides for a new, unexpected, and useful function and therefore, the claimed invention meets the requirements of *In re Levin*.

Conclusion

In view of the amendments and remarks above, it is now believed that the application is in condition for allowance. However, the Examiner is invited to contact the undersigned attorney by telephone if doing so would expedite the allowance of this application. A fee sheet has been attached for the fee due for the extension. If any other fees are deemed necessary, please charge Deposit Account No. 17-0055 accordingly.

Respectfully submitted,

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